

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANK SPAGNOLA, 459889

Petitioner,

Civil Action No. 11-CV-10329

v.

HON. BERNARD A. FRIEDMAN

RANDALL HAAS,

Respondent.

**OPINION AND ORDER DENYING PETITIONER'S
MOTION FOR A CERTIFICATE OF APPEALABILITY**

This matter is before the Court on petitioner's motion for a certificate of appealability [docket entry 32]. On April 3, 2017, the Court issued an opinion and order denying petitioner's petition for a writ of habeas corpus. In that opinion the Court stated:

IT IS FURTHER ORDERED that a certificate of appealability is denied because petitioner has failed to make a substantial showing of the denial of a federal constitutional right, and leave to appeal *in forma pauperis* is denied because the appeal would be frivolous. *See Dell v. Straub*, 194 F. Supp. 2d 629, 659 (E.D. Mich. 2002).

Petitioner fails to show that this finding was erroneous. Accordingly,

IT IS ORDERED that petitioner's motion for a certificate of appealability is denied.

s/Bernard A. Friedman

BERNARD A. FRIEDMAN

SENIOR UNITED STATES DISTRICT JUDGE

Dated: April 27, 2017
Detroit, Michigan

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 27, 2017.

s/Johnetta M. Curry-Williams

Acting in the Absence of Carol Mullins
Case Manager